



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 31 2017

Mr. Craig Butler, Director
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

REPLY TO THE ATTENTION OF

Dear Mr. Butler:

I am writing in follow-up to recent discussions between the U.S. Environmental Protection Agency (U.S. EPA) and the Ohio Environmental Protection Agency (Ohio EPA) regarding Ohio's 2016 Clean Water Act (CWA) Section 303(d) Impaired Waters List, which was submitted to U.S. EPA on October 20, 2016.

In preparing its 2014 and 2016 impaired waters lists, Ohio EPA assessed and listed shoreline areas of Lake Erie including drinking water intakes for impairment due to the presence of the algal toxin *microcystin*. Ohio EPA is actively addressing nutrient related impacts through these impairment listings and through Annex 4 of the Great Lakes Water Quality Agreement, and while U.S. EPA acknowledges that these efforts are a path to address nutrient related impacts in the entire lake, Ohio has yet to assess the open waters of Lake Erie for algal impairment.

U.S. EPA and Ohio EPA have recently been discussing approaches to assessing the 303(d) attainment status of the Western Basin of Lake Erie in light of the harmful algal blooms experienced in recent years. It is our understanding and expectation that Ohio will continue to evaluate options to assess open waters of the Western Basin of Lake Erie based on relevant information, including *microcystin* data, for the 2018 303(d) list. We understand that Ohio EPA would like to develop an assessment approach that would involve making decisions regarding threshold levels against which to make listing and delisting decisions, sampling methodologies, acceptable frequencies of sampling and exceedances, and so on, and then collecting and analyzing data against those criteria. We look forward to working with you and your staff on these issues.

U.S. EPA is proceeding with the formal approval under a separate letter.

To pursue further discussions on this approach, please contact me, or your staff may contact Peter Swenson at 312-886-0236.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Kaplan", is written over a horizontal line.

Robert A. Kaplan
Acting Regional Administrator